

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 07-22930-CIV-MOORE/WHITE

JULIO DAVID ALFONSO,

Movant,

vs.

UNITED STATES OF AMERICA,

Respondent.

**CLOSED
CIVIL
CASE**

**ORDER ADOPTING REPORT OF MAGISTRATE JUDGE; DISMISSING FOR
FAILURE TO OBTAIN AUTHORIZATION PURSUANT TO 28 U.S.C. § 2244**

THIS CAUSE came before the Court upon the *pro se* Movant Julio David Alfonso's Motion to Vacate pursuant to 28 U.S.C. § 2255 (dkt # 1).

THIS MATTER was referred to the Honorable Patrick A. White, United States Magistrate Judge. Magistrate Judge White issued a Report and Recommendation signed November 14, 2007 (dkt # 3) recommending that Movant's §2255 Motion be dismissed as successive for failure to obtain authorization from the Court of Appeals pursuant to 28 U.S.C. §2244(b)(3), because the Movant brought a prior Motion to Vacate pursuant to 28 U.S.C. § 2255 (Case No. 03-20878-Civ-Moore) which was denied. No Objection was filed..


UPON CONSIDERATION of the Motion, and after a *de novo* review of the record, and being otherwise fully advised in the premises, it is

ORDERED AND ADJUDGED that the *pro se* Movant Julio David Alfonso's Motion to Vacate pursuant to 28 U.S.C. § 2255 (dkt # 1) is DISMISSED for failure to obtain authorization pursuant to 28 U.S.C. §2244(b)(3), for the reasons articulated in Magistrate Judge White's Report

and Recommendation. It is further

ORDERED AND ADJUDGED that Magistrate Judge White's Report and Recommendation (dkt # 3) is ADOPTED. The Clerk is instructed to CLOSE this case. All pending motions are DENIED as moot.

DONE AND ORDERED in Chambers at Miami, Florida, this 14th day of December, 2007.


K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

cc: Magistrate Judge White
All counsel of record

Julio David Alfonso, *pro se*
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